

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
Civil Action No.**

**COREY HEMPHILL**

**Plaintiff,**

**v.**

**CHARLOTTE-MECKLENBURG  
BOARD OF EDUCATION and  
CHRISTOPHER K. BERNARD,  
individually and in his official capacity.**

**Defendants.**

**NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. § 1441(b)  
[Federal Question]**

Defendants, Charlotte Mecklenburg Board of Education and Christopher Bernard, hereby file their Notice of Removal of this action from the North Carolina General Court of Justice, Superior Court Division, Mecklenburg County, to the United States District Court for the Western District of North Carolina, Charlotte Division pursuant to 28 U.S.C. § 1441. In support of this removal, Defendants state the following:

1. On January 23, 2024, Plaintiff initiated this action in the General Court of Justice, Superior Court Division, Mecklenburg County, North Carolina, Civil Action No. 24 CVS 003839-590 by filing the Complaint. A complete copy of all process, pleadings, and orders served upon Defendants to date is attached as **Exhibit A** to this Notice of Removal.
2. Defendant Christopher Bernard was served with the Summons and Complaint on February 6, 2024; Defendant Charlotte-Mecklenburg Board of Education was served with the Summons and Complaint on February 7, 2024.

3. As required by 28 U.S.C. § 1446, this Notice of Removal is filed within 30 days after the receipt by the Defendants, through service, of a copy of the initial pleading setting forth the claim for relief upon which the action is based.
4. Pursuant to 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant ... to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).
5. This action includes claims under 42 U.S.C. § 1983 over which this Court has original jurisdiction under 28 U.S.C. § 1331 and is one which may be removed to this Court in its entirety pursuant to 28 U.S.C. § 1441(c).
6. This Court has supplemental jurisdiction over Plaintiff’s state law causes of action pursuant to 28 U.S.C. § 1367.
7. Defendants submit this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff, without conceding that Plaintiff has pleaded claims upon which relief can be granted, without admitting that Plaintiff has standing, and without admitting that Plaintiff is entitled to any monetary or equitable relief whatsoever.
8. A copy of the Notice of Removal attached as **Exhibit B** will be filed with the Clerk of Superior Court for Mecklenburg County, North Carolina, promptly after the notice is filed with this Court as required by 28 U.S.C. §1446(d).
9. By copy of this Notice of Removal and in accordance with the attached Certificate of Service, Defendants are providing notice to Plaintiff in this action and advise him of this filing pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Defendants, Charlotte-Mecklenburg Board of Education and Christopher Bernard respectfully pray that the above-captioned action now pending against them proceed in this Court as an action properly removed.

This the 7<sup>TH</sup> day of March 2024.

/s/ Oksana Cody

Oksana Cody

Senior Associate General Counsel

N.C. State Bar No. 45393

Oksanak.cody@cms.k12.nc.us

/s/ Breanna E. Miller

Breanna E. Miller

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Charlotte-Mecklenburg Board of Education

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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

This is to certify that on this date the undersigned filed the foregoing **NOTICE OF REMOVAL OF ACTION** in the above-entitled action upon all parties to this cause by depositing a copy thereof in the United States mail, first class, postage prepaid, and by electronic email, addressed as follows:

Eric A. Montgomery  
The Montgomery Law Firm, PLLC  
6135 Park South Drive  
Suite 510  
Charlotte, NC 28210  
eric@themplawfirm.com

This the 7<sup>TH</sup> day of March 2024.

/s/ Oksana Cody  
Oksana Cody  
Senior Associate General Counsel  
*Counsel for Defendants*